



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2016-15  
 Petition of David & Megan LeBlanc  
 291 Oakland Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DAVID & MEGAN Leblanc requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and landing, and construction and expansion of a new garage with dormers with less than required left side yard setbacks, and construction of a covered porch with less than required right side yard setbacks, on an 11, 247 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, at 291 Oakland Street, with 40 feet of frontage on Oakland Street and 59 feet of frontage on Hunnewell Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 16, 2016, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Tom Timko, Architect, Copper Beech Design, and David and Megan LeBlanc, the Petitioner.

Mr. Timko said that he has come before the Board on several occasions and has worked on numerous projects but this is one of the most compromised lots that he has ever dealt with. He said that it has two separate street frontages, is contiguous to an MWRA easement, has primary street frontage that is below the minimum, and has a host of other issues. He said that his clients are looking to improve and remediate previous decisions that were made when the house was built and in a 2004 renovation related to the garage at the front of the property that is aesthetically challenged. He said that the garage dates from the original period. He said that the main house was renovated under a special permit that was granted in 2004. He said that a number of things that were done to that renovation were incorrectly executed or incomplete. He said that the front door opens onto the living room and there is a front entry hall that has no door. He said that they are trying to correct a number of those issues.

Mr. Timko said that the primary issue that they are trying to deal with is adjusting the garage footprint to make it more workable. He said that they would like to change the orientation of the garage so that they can drive in from the street rather than trying to negotiate a substandard turning radius. He said that they would like to improve the look and feel of the garage which is essentially a classic late mid-century shed structure that presents poorly to the street, obscures the house and provides the adjacent neighbors with a

very large sea of asphalt shingles to look out upon. He said that it is a detriment to the property and to some of the neighbors as well.

Mr. Timko said that they are looking for relief for an existing nonconforming structure. He said that they would like to extend the garage, not changing the nonconformity but making the garage a little bit bigger to add some storage at the back. He said that there is a small corner of a proposed front porch would also need relief.

A Board member said that it is a very challenging site. He said that he was concerned about the second story on the garage. He said that dormers are shown on the plan. Mr. Timko said that they will rebuild the roof of the garage. He said that the roof height will change 2 feet 2 inches from the existing peak. He said that it will not be a second story. He said that the dormers are there to provide clerestory light into the garage space. He said that the ceiling height will not be sufficient for it to be habitable space. The Board member asked if that will provide significant light beyond the windows that are already there. Mr. Timko said that it is partly a lighting issue but also an architectural exercise to make the garage look more appealing to the owners and the neighbors. He said that facing the house from the street, the neighbor on the left side is looking at a big patch of asphalt shingles. He said that they tried to break that massing up. He said that the high side of the garage is on the driveway. He said that it is hard to look at the drawings because there are so many angles. The Board member said that his concern is that it is less than six feet from the property line. Mr. Timko said that the line at the gutter will not change. He said that the existing 14+ peak that is toward the driveway side would be centered on the garage. He said that it will go up a little bit. He said that they were trying to match the rest of the slopes on the house with the pitch of the roof. He said that they want to break the asphalt surface up into pieces to soften the whole look and feel. He said that dormers seemed to be the easiest way to do that. The Board member said that he was concerned that they would be increasing the height of the wall that is facing the neighbors, the Georges.

Mr. LeBlanc said that they worked closely with all of the neighbors. He said that all of the neighbors have seen the plans. He submitted letters of support from three of the neighbors.

The Chairman said that he did not mind the extension in terms of its impact on the nonconformity. He discussed the proposed project on the other side. He said that in the definition of yard setbacks, it exempts from the measurements porches that are less than 50 square feet. He said that because the porch is larger than 50 square feet, the setback is 18.2 feet and that is a new nonconformity that did not used to be there. He questioned why it would not be a variance. A Board member said that the there is an existing nonconformity at 14.9 feet. The Chairman said that they will be creating a new nonconformity. He said that the simplest way to deal with it is to make the porch 50 square feet or less. Mr. Timko said that the homeowners are open to options.

Mr. Timko said that there has been a series of site plans for this property done over the years. He said that there are some significant differences in some of the setbacks. He said that they performed a second cycle of site work on this to confirm the numbers. He said that the site plan for the 2004 special permit was more generous.

The Chairman asked about Total Living Area plus Garage (TLAG) calculations. Mr. Timko said that it will be under 3,600 square feet by at least 100 square feet. The Chairman said that although special permits are exempt from Large House Review (LHR), the standard for acceptance deals with it being not

more detrimental to the neighborhood. He said that TLAG is one measure for how it compares to the neighborhood both pre-construction and post-construction.

There was no one present at the public hearing who wished to speak to the petition

#### Statement of Facts

The subject property is located at 291 Oakland Street, on an 11, 247 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 5.7 feet, a minimum front yard setback of 29.1 feet to Hunnewell Street, and a minimum right side yard setback of 14.9 feet. The property has 40 feet of frontage on Oakland Street and 59 feet of frontage on Hunnewell Street.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and landing, and construction and expansion of a new garage with dormers with less than required left side yard setbacks, and construction of a covered porch with less than required right side yard setbacks, on an 11, 247 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, with 40 feet of frontage on Oakland Street and 59 feet of frontage on Hunnewell Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/12/16, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/24/15, 1/06/16, 1/08/16, 1/16/16, 1/19/16 & 1/27/16, prepared by Copper Beech Design, and photographs were submitted.

On February 23, 2016, the Planning Board reviewed the petition and recommended that the special permit be granted.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although demolition of an existing nonconforming garage and landing, and construction and expansion of a new garage with dormers with less than required left side yard setbacks, and construction of a covered porch with less than required right side yard setbacks, on an 11, 247 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, with 40 feet of frontage on Oakland Street and 59 feet of frontage on Hunnewell Street is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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TOWN ENGINEER'S OFFICE  
WELLESLEY MA 02459

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming garage and landing, and construction and expansion of a new garage with dormers with less than required left side yard setbacks, and construction of a covered porch with less than required right side yard setbacks, on an 11, 247 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, with 40 feet of frontage on Oakland Street and 59 feet of frontage on Hunnewell Street, subject to the following condition:

- Revised plans shall be submitted showing that the porch has been reduced to 50 square feet or less or that it meets the setback requirement.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

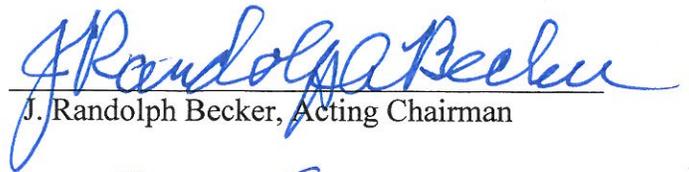
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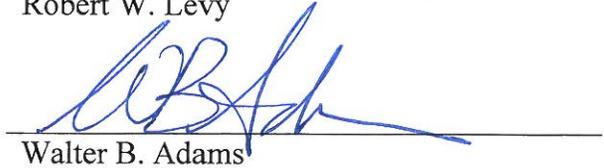
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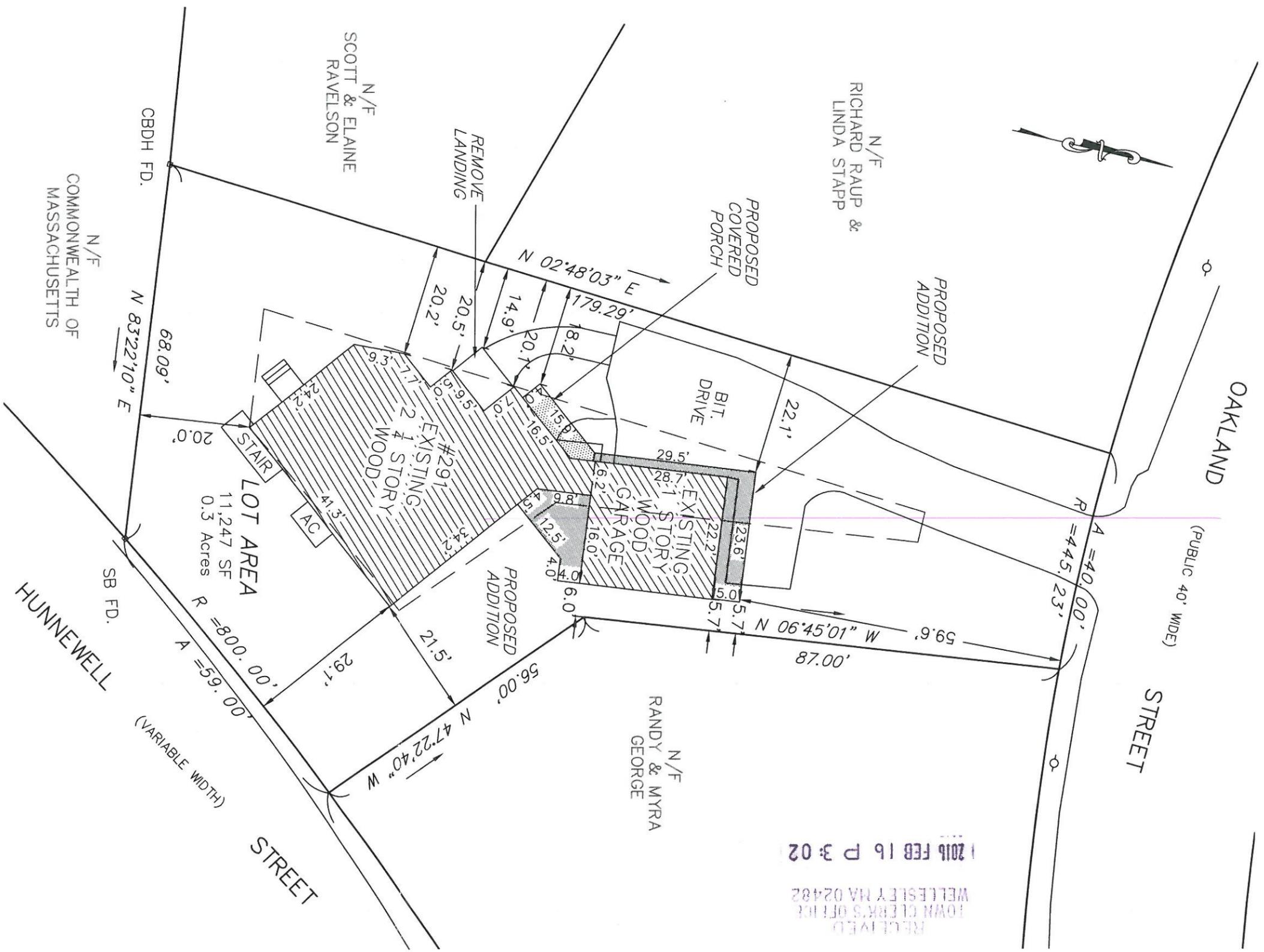
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
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J. Randolph Becker, Acting Chairman

  
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Robert W. Levy

  
\_\_\_\_\_  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm



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**PREPARED FOR**

DAVID & MEGAN LEBLANC  
291 OAKLAND STREET  
WELLESLEY, MA 02481



- NOTES:
1. ZONING CLASSIFICATION - SR-15
  2. PLAN REFERENCES:

NORFOLK REGISTRY OF DEEDS PLAN NO. 1130 OF 1972  
TOWN OF WELLESLEY LAYOUT FOR OAKLAND STREET

3. LOCUS DEED:

NORFOLK REGISTRY OF DEEDS BOOK 32447 PAGE 439  
ASSESSORS PARCEL ID 17-8-A

4. EXISTING LOT COVERAGE = 2177/11,147 = 19.5%
- PROPOSED LOT COVERAGE = 2437/11,147 = 21.9%

SCALE: 1"=20' JANUARY 12, 2016

PLOT PLAN  
291 OAKLAND STREET  
WELLESLEY, MASS.

C & G SURVEY COMPANY  
37 JACKSON ROAD  
SCITUATE, MA. 02066  
1-877-302-8440